

HOUSE No. 2168

The Commonwealth of Massachusetts

PRESENTED BY:

Ellen Story

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the labeling of food.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter v. Kocot	1st Hampshire
Denise Provost	27th Middlesex
Tom Sannicandro	7th Middlesex
John W. Scibak	2nd Hampshire
Ellen Story	3rd Hampshire
William N. Brownsberger	24th Middlesex
Steven J. D'Amico	4th Bristol
Jennifer M. Callahan	18th Worcester
Barbara A. L'Italien	18th Essex
Carl M. Sciortino, Jr.	34th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3801 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE LABELING OF FOOD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 94 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by inserting after the definition of “Food” the following new
3 definition:-

4 “Genetically engineered material”, any material derived in whole or in part from
5 processes, as identified by the national organic program of the U.S. department of
6 agriculture, used to modify genetically organisms or influence their growth and
7 development by means that are not possible under natural conditions or processes. Such
8 methods include cell fusion, microencapsulation and macroencapsulation, and
9 recombinant DNA technology (including gene deletion, gene doubling, introducing a
10 foreign gene, and changing the positions of genes when achieved by recombinant DNA
11 technology). Such methods do not include the use of traditional breeding, conjugation,
12 fermentation, hybridization, in vitro fertilization, or tissue culture. Material grown from
13 genetically engineered seed and genetically engineered plant parts shall be considered
14 genetically engineered material.

15 SECTION 2. Chapter 94 of the General Laws, as appearing in the 2004 Official Edition, is
16 hereby amended by adding after section 184E the following new section:-

17 Section 184F. The Genetically Engineered Food Right to Know Act

18 Upon each package or receptacle holding any proprietary or patent food preparation
19 containing genetically engineered material, there shall be a label upon which shall be
20 printed, in plain english, in type not smaller than sixteen point (Columbian) capitals:-

21 “Genetically engineered”

22 Also upon each package, appearing in type not smaller than eight point (brevier)
23 capitals:-

24 “This product contains a genetically engineered material, or was produced with a
25 genetically engineered material.”

26 If the size of the package or receptacle will not permit the use of such type, as determined
27 by the manufacturer, and subject to the approval of the director of standards of the
28 division of standards, the size thereof may be reduced proportionately. Whoever
29 manufactures, sells or offers for sale any food preparation in violation of this section shall
30 be punished by a fine of not less than five nor more than one hundred dollars; but no
31 dealer or retailer shall be held liable or be prosecuted under this section if the article is
32 marked as it was when purchased by him and he can establish a guaranty signed by the
33 wholesaler, jobber or manufacturer, residing in this commonwealth, from whom he
34 purchases such article, to the effect that the same is correctly marked as required by this
35 section, designating it, unless said dealer or retailer had reason to believe such guaranty
36 was provided in violation of this section. Such guaranty, to afford protection, shall
37 contain the names and addresses of the parties making the sale of such articles to such
38 dealer.

39 SECTION 3. The director of standards may promulgate regulations regarding the
40 implementation and enforcement of section 184F of chapter 94 of the General Laws.

41 SECTION 4. This act shall take effect July 1, 2011.